United Nations S/2011/711

Security Council

Distr.: General
14 November 2011
English
Original: Arabic

Letter dated 9 November 2011 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith the position of Lebanon, in preparation for the comprehensive assessment that the Secretary-General will present in his forthcoming report on the implementation of Security Council resolution 1701 (2006) (see annex).

I should be grateful if you would have the present letter and its annex issued as a document of the Security Council under the agenda item concerning the situation in the Middle East.

(*Signed*) Nawaf Salam
Ambassador
Permanent Representative

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Annex to the letter dated 9 November 2011 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council

[Original: Arabic]

Position of Lebanon in preparation for the comprehensive assessment that will be presented by the Secretary-General in his forthcoming report on the implementation of Security Council resolution 1701 (2006)

In preparation for the comprehensive periodic assessment that will be presented by the Secretary-General in his forthcoming report on the implementation of Security Council resolution 1701 (2006), Lebanon wishes to stress that from the day resolution 1701 (2006) was adopted, Israel has failed to honour its obligation to implement it or to withdraw from all occupied Lebanese territory, and has persisted in violating both the provisions of the resolution and Lebanese sovereignty, thereby ensuring that no progress has been made in the implementation of resolution 1701 (2006) with respect to obliging Israel to withdraw from all Lebanese territory and cease its infractions. Lebanon would like to draw attention to the following:

1. Lebanon reiterates its commitment to the full implementation of resolution 1701 (2006) and calls on the international community to bring pressure to bear on Israel to fulfil its obligation to implement that resolution in full.

2. Since the last assessment, the Israeli army has continued to violate Lebanese sovereignty and all provisions of resolution 1701 (2006). Those violations include the following:

(a) During the reporting period, the Israeli enemy army continued to violate the sovereignty of Lebanese territory, airspace and territorial waters, committing 495 air violations, 107 land violations and 204 sea violations, bringing the number of violations committed by Israel since the adoption of resolution 1701 (2006) to some 9,168. Those violations flagrantly flout Lebanese sovereignty and the provisions of resolution 1701 (2006), which calls for full respect for the Blue Line. Lebanon therefore calls upon the international community to bring pressure to bear on Israel and oblige it to cease its daily violations of Lebanese sovereignty and to respect the international resolutions adopted by the United Nations. Lebanon absolutely rejects any attempt to link those violations to claims of arms smuggling

(b) Lebanon notes yet again that Israel threatens Lebanon on a daily basis, carrying out hostile activities across the Blue Line and installing the spying networks that were uncovered in recent months, which were working in Lebanese territory on behalf of Israel and constitute a flagrant violation of resolution 1701 (2006) that made it necessary to submit a complaint to the Security Council.

(c) Notwithstanding all the efforts that have been exerted by the United Nations Interim Force in Lebanon (UNIFIL) in order to facilitate the complete withdrawal of Israel from the northern part of the village of Ghajar, with a view to achieving which aim the Lebanese Government is cooperating with UNIFIL, the Israeli army continues to occupy that area, thereby violating its obligation to withdraw unconditionally behind the Blue Line in accordance with resolution 1701 (2006).

(d) The continued occupation by Israel of the Lebanese Kafr Shuba hills and Shab'a Farms constitutes a threat to stability and security all along the borders, as well as a violation of Security Council resolutions 425 (1978) and 1701 (2006). Lebanon demands that Israel should completely and unconditionally withdraw from those areas, and thereby fully resolve the issue. Lebanon urges the Secretary-General of the United Nations to intensify his diplomatic efforts to ensure that Israel withdraws from that Lebanese territory.

(e) Israel's delay in providing data on the positions of unexploded ordnance, including the cluster bombs that were dropped at random on civilian areas, has caused the death or injury of more than 400 persons, including more than 51 fatalities and 357 injured. Lebanon yet again underlines the fact that the Government of Lebanon has its doubts about the precision of the maps that it has received from Israel. The Lebanese Army has asked for aerial photographs or video pictures of the targeted areas before and after the bombardments and for information regarding the dates on which the cluster bombs that were used during the Israeli raids were dropped, together with the quantity and type of those bombs.

That crime against humanity comes on top of another, persisting crime, namely, the landmines that were laid in Lebanon by Israel, largely during its 22-year occupation of Lebanese territory. Lebanon urges the United Nations and donor countries to continue to address that issue, in order to protect the lives of innocent civilians, and calls for the Lebanon Mine Action Centre to be granted the necessary financial resources to enable it to carry out its mandate. In view of the numerous crimes that Israel has committed against Lebanon and its population, Israel should pay appropriate compensation.

(f) The Israeli army has continued to use launches to carry out illegal patrols inside Lebanese territorial waters, close to what is known as the "line of buoys" that Israel positioned unilaterally and illegally inside Lebanese territorial waters. Israel fraudulently claims that the aforesaid line approximates the southern borders of Lebanese territorial waters. Lebanon reiterates its refusal to recognize any line that has been imposed unilaterally and considers the Israeli measures to be further violations of Lebanese sovereignty and resolution 1701 (2006). Lebanon therefore further requests the United Nations to authorize UNIFIL to put in position in the region a line of buoys that is in keeping with international standards.

3. During the reporting period, in addition to the relevant documents that it had already deposited, Lebanon deposited with the United Nations the following:

- A map that delineates the southern maritime border with occupied Palestine of Lebanon's exclusive economic zone and sets forth the geographical coordinates of that border, that were drawn in accordance with international standards.
- Two maps relating to the south-western borders of Lebanon's exclusive economic zone, with tables that set forth the geographical coordinates of those borders.

Furthermore, two letters on this matter were addressed to the Secretary-General on 4 January 2011 and 17 February 2011, in which the Secretary-General was requested to call upon UNIFIL to undertake the delineation of a maritime security border, along the lines of the Blue Line on land, that conforms to the southern and south-western borders of Lebanese territorial waters and of Lebanon's

exclusive economic zone. That would be in keeping with the role played by UNIFIL in determining the land borders of Lebanon.

On 20 June 2011 and 3 September 2011, the Minister for Foreign Affairs and Emigrants addressed letters to the United Nations Secretary-General expressing, respectively, Lebanon's objection to the agreement signed by Cyprus and Israel, and to the coordinates which Israel deposited with the United Nations with regard to its exclusive economic zone.

4. The Lebanese Army is continuing to strengthen field and strategic cooperation with UNIFIL.

(a) The continuing coordination between the Lebanese Army and UNIFIL is particularly evident in their joint patrols, joint checkpoints and joint military training operations and exercises.

(b) Lebanon stresses the fact that none of the reports of the Secretary-General on the implementation of Security Council resolution 1701 (2006) has made any reference to indications that weapons are smuggled into the UNIFIL area of operations. All weapons that have been seized are remnants of the war waged against Lebanon by Israel in the summer of 2006. Lebanon further stresses once again that the Lebanese Army and the Lebanese security apparatus have not reported any incidence of weapon smuggling since the most recent report of the Secretary-General on the implementation of Security Council resolution 1701 (2006) was submitted to the Security Council.

(c) Israel's claim that weapons are being stockpiled and military installations established in densely populated civilian areas in South Lebanon bears no relation to the truth, and is designed to facilitate the targeting by Israel of innocent Lebanese civilians and justify their slaughter and terrorization, regardless of the fact that all international instruments and, in particular, those of international humanitarian law, outlaw and criminalize the targeting of civilians.

(d) Lebanon continues to participate in tripartite meetings that are held with a view to maintaining peace along the Blue Line. Those meetings are the appropriate place in which to address issues pending from resolution 1701 (2006) and flashpoints along the aforementioned Line. Israel's persistence in resorting to unilateral measures undermines those tripartite meetings and the role of UNIFIL in maintaining the peace in its area of operations. Furthermore, those unilateral measures are intended to raise doubt as to the capacity of the Lebanese armed forces to defend the sovereignty of all Lebanese territory, contrary to the spirit of resolution 1701 (2006).

(e) With respect to the positioning of markers along the Blue Line, Lebanon affirms yet again the agreement that was reached at the tripartite meeting with a view to making progress in and accelerating that operation. Israeli procrastination in that regard raises doubts as to its real intentions.

5. Lebanon stresses the importance of strengthening and raising the level of international assistance in building the capacities of the Lebanese Army and security forces and preparing them to perform their duty to defend Lebanese sovereignty and protect the Lebanese people. The Lebanese Army needs reinforcements of arms and ammunition and to acquire more modern means of surveillance and up-to-date

communications equipment. It also requires training in the use of all such equipment and apparatus.

6. At the economic level, we once more support the call that is made to the international community in resolution 1701 (2006) to extend more of the assistance that is necessary for the reconstruction and development of Lebanon. In that connection, we urge States that took part in the Stockholm Conference, Paris III and the Vienna Conference to honour their commitments. Lebanon greatly appreciates all economic and social programmes and humanitarian assistance that UNIFIL provides to the Lebanese people in its area of operations, including projects that have an immediate impact and emergency medical services.

7. If stability and security are to be enhanced, a move must be made from a situation of cessation of hostilities towards a situation of permanent ceasefire.

United Nations A/66/554–S/2011/712

General Assembly
Security Council

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15 November 2011

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General Assembly
Sixty-sixth session
Agenda item 35
Protracted conflicts in the GUAM area and their implications for international peace, security and development

Security Council
Sixty-sixth year

Identical letters dated 14 November 2011 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit herewith a statement of the Ministry of Foreign Affairs of Georgia dated 14 November 2011 regarding the so-called "presidential elections" held in the Tskhinvali region/South Ossetia, Georgia (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the sixty-sixth session of the General Assembly, under agenda item 35, and of the Security Council.

(*Signed*) Alexander **Lomaia**
Ambassador
Permanent Representative

11-59401 (E) 171111

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Annex to the identical letters dated 14 November 2011 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

Statement of the Ministry of Foreign Affairs of Georgia regarding the so-called "presidential elections" held in the Tskhinvali region/South Ossetia, Georgia

On 13 November 2011, the Russian occupation forces and the regime established by Russia in the Tskhinvali region/South Ossetia, Georgia conducted another cynical act of the pseudo-democratic policy. The Russian Federation carried out the so-called "presidential elections" and brought to Tskhinvali its own "observers" in an attempt to legitimize the outcomes of these "elections" and the ethnic cleansing of almost two thirds of the local population.

Crimes committed by Russian occupants and their proxies have fundamentally distorted the demographics of the Tskhinvali region/South Ossetia, Georgia, thus depriving internally displaced persons and refugees of the right to return to their homes. The human rights of the remaining population are violated on a daily basis by the occupation forces, and no international observers are allowed into the occupied region to report these abuses as well as the ongoing illegal militarization of the region. In the existing reality, these "elections" clearly illustrate a complete disregard of internationally accepted norms and principles and cannot be considered legitimate by any standard.

The Ministry of Foreign Affairs of Georgia calls on the members of the international community to give an adequate assessment of another farce conducted in one of the occupied regions of Georgia — the Tskhinvali region/South Ossetia — and continue pressuring Russia to stop its provocative acts against Georgia and start fulfilling its obligations under the Ceasefire Agreement of 12 August 2008.

Tbilisi, 14 November 2011

United Nations S/2011/713

Security Council

Distr.: General
16 November 2011

Original: English

France, Germany, Italy, Nigeria, Portugal, Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia and relevant statements of its President, including resolutions 1031 (1995) of 15 December 1995, 1088 (1996) of 12 December 1996, 1423 (2002) of 12 July 2002, 1491 (2003) of 11 July 2003, 1551 (2004) of 9 July 2004, 1575 (2004) of 22 November 2004, 1639 (2005) of 21 November 2005, 1722 (2006) of 21 November 2006, 1764 (2007) of 29 June 2007, 1785 (2007) of 21 November 2007, 1845 (2008) of 20 November 2008, 1869 (2009) of 25 March 2009, 1895 (2009) of 18 November 2009, and 1948 (2010) of 18 November 2010,

Reaffirming its commitment to the political settlement of the conflicts in the former Yugoslavia, preserving the sovereignty and territorial integrity of all States there within their internationally recognized borders,

Emphasizing its full support for the High Representative's continued role in Bosnia and Herzegovina,

Underlining its commitment to support the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the Peace Agreement, S/1995/999, annex), as well as the relevant decisions of the Peace Implementation Council (PIC),

Recalling all the agreements concerning the status of forces referred to in appendix B to annex 1-A of the Peace Agreement, and reminding the parties of their obligation to continue to comply therewith,

Further recalling the provisions of its resolution 1551 (2004) concerning the provisional application of the status of forces agreements contained in appendix B to annex 1-A of the Peace Agreement,

Emphasizing its appreciation to the High Representative, the Commander and personnel of the multinational stabilization force (EUFOR ALTHEA), the Senior Military Representative and personnel of the NATO Headquarters Sarajevo, the Organization for Security and Cooperation in Europe (OSCE), the European Union (EU) and the personnel of other international organizations and agencies in Bosnia and Herzegovina for their contributions to the implementation of the Peace Agreement,

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Welcoming the adoption by the authorities of Bosnia and Herzegovina of a revised strategy for implementation of annex 7 of the Peace Agreement, focused on the strategy for the return of refugees, and emphasizing that a comprehensive and coordinated return of refugees and displaced persons throughout the region continues to be crucial to lasting peace,

Recalling the declarations of the Ministerial meetings of the Peace Implementation Conference,

Recognizing that full implementation of the Peace Agreement is not yet complete, while paying tribute to the achievements of the authorities at State and entity level in Bosnia and Herzegovina and of the international community in the sixteen years since the signing of the Peace Agreement,

Noting that the overall security situation in Bosnia and Herzegovina has been calm and stable for several years,

Emphasizing the importance of Bosnia and Herzegovina's progress towards Euro-Atlantic integration on the basis of the Peace Agreement, while recognizing the importance of Bosnia and Herzegovina's transition to a functional, reform oriented, modern and democratic European country,

Noting the reports of the High Representative, including his latest report of 4 November 2011,

Determined to promote the peaceful resolution of the conflicts in accordance with the purposes and principles of the Charter of the United Nations,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994 and the statement of its President on 10 February 2000 (S/PRST/2000/4),

Welcoming and encouraging efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

Welcoming the decision taken by EU Foreign Ministers on 25 January 2010 to start providing non-executive capacity-building and training support, within the framework of EUFOR ALTHEA,

Welcoming the conclusions of EU Foreign Ministers on 10 October 2011, which confirmed the EU's commitment at this stage to a continuing executive mandate for a reconfigured EUFOR ALTHEA to support Bosnia and Herzegovina's efforts to maintain the safe and secure environment and its authorities' deterrence capacity, under a renewed United Nations mandate, while focusing its main efforts on the provision of non-executive capacity-building and training support in order to contribute to strengthening local ownership and capacity,

Recalling the letters between the European Union and NATO sent to the Security Council on 19 November 2004 on how those organizations will cooperate together in Bosnia and Herzegovina in which both organizations recognize that the EUFOR ALTHEA will have the main peace stabilization role under the military aspects of the Peace Agreement (S/2004/916; S/2004/915),

Further recalling the confirmation by the Presidency of Bosnia and Herzegovina, on behalf of Bosnia and Herzegovina, including its constituent

entities, of the arrangements for EUFOR ALTHEA and the NATO Headquarters presence (S/2004/917),

Welcoming the European Union's increased engagement and reinforced role in Bosnia and Herzegovina and the continued engagement of NATO,

Reiterating once again its calls on the authorities in Bosnia and Herzegovina to implement in full their undertakings as also confirmed by the PIC Steering Board declaration of 7 July 2011, and recognizing in particular the need to find a solution on State and Defence Property,

Calling on the political leaders, following the elections on 3 October 2010, to fulfil their democratic responsibility and form a new Council of Ministers of Bosnia and Herzegovina which will address with urgency important policies and priorities,

Calling on all Bosnia and Herzegovina's political leaders to refrain from divisive rhetoric and make further concrete and tangible progress towards EU integration,

Determining that the situation in the region continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reaffirms* once again its support for the Peace Agreement, as well as for the Dayton Paris Agreement on implementing the Federation of Bosnia and Herzegovina of 10 November 1995 (S/1995/1021, annex) and calls upon the parties to comply strictly with their obligations under those Agreements;

2. *Reiterates* that the primary responsibility for the further successful implementation of the Peace Agreement lies with the authorities in Bosnia and Herzegovina themselves and that the continued willingness of the international community and major donors to assume the political, military and economic burden of implementation and reconstruction efforts will be determined by the compliance and active participation by all the authorities in Bosnia and Herzegovina in implementing the Peace Agreement and rebuilding a civil society, in particular in full cooperation with the International Tribunal for the Former Yugoslavia, in strengthening joint institutions, which foster the building of a fully functioning self-sustaining State, able to integrate itself into the European structures and in facilitating returns of refugees and displaced persons;

3. *Reminds* the parties once again that, in accordance with the Peace Agreement, they have committed themselves to cooperate fully with all entities involved in the implementation of this peace settlement, as described in the Peace Agreement, or which are otherwise authorized by the Security Council, including the International Tribunal for the Former Yugoslavia, as it carries out its responsibilities for dispensing justice impartially, and underlines that full cooperation by States and entities with the International Tribunal includes, inter alia, the surrender for trial or apprehension of all persons indicted by the Tribunal and provision of information to assist in Tribunal investigations;

4. *Emphasizes* its full support for the role of the High Representative in monitoring the implementation of the Peace Agreement and giving guidance to and coordinating the activities of the civilian organizations and agencies involved in assisting the parties to implement the Peace Agreement, and reaffirms that under

annex 10 of the Peace Agreement the High Representative is the final authority in theatre regarding the interpretation of civilian implementation of the Peace Agreement and that in case of dispute he may give his interpretation and make recommendations, and make binding decisions as he judges necessary on issues as elaborated by the Peace Implementation Council in Bonn on 9 and 10 December 1997;

5. *Expresses* its support for the declarations of the Ministerial meetings of the Peace Implementation Conference;

6. *Reaffirms* its intention to keep implementation of the Peace Agreement and the situation in Bosnia and Herzegovina under close review, taking into account the reports submitted pursuant to paragraphs 18 and 21 below, and any recommendations those reports might include, and its readiness to consider the imposition of measures if any party fails significantly to meet its obligations under the Peace Agreement;

7. *Recalls* the support of the authorities of Bosnia and Herzegovina for EUFOR ALTHEA and the continued NATO presence and their confirmation that both are the legal successors to SFOR for the fulfilment of their missions for the purposes of the Peace Agreement, its annexes and appendices and relevant United Nations Security Council resolutions and can take such actions as are required, including the use of force, to ensure compliance with annexes 1-A and 2 of the Peace Agreement and relevant United Nations Security Council resolutions;

8. *Pays tribute* to those Member States which participated in the multinational stabilization force (EUFOR ALTHEA), and in the continued NATO presence, established in accordance with its resolution 1575 (2004) and extended with its resolutions 1639 (2005), 1722 (2006), 1785 (2007), 1845 (2008), 1895 (2009), and 1948 (2010) and welcomes their willingness to assist the Parties to the Peace Agreement by continuing to deploy a multinational stabilization force (EUFOR ALTHEA) and by maintaining a continued NATO presence;

9. *Welcomes* the EU's intention to maintain an EU military operation (EUFOR ALTHEA) in Bosnia and Herzegovina from November 2011;

10. *Authorizes* the Member States acting through or in cooperation with the EU to establish for a further period of twelve months, starting from the date of the adoption of this resolution, a multinational stabilization force (EUFOR ALTHEA) as a legal successor to SFOR under unified command and control, which will fulfil its missions in relation to the implementation of annex 1-A and annex 2 of the Peace Agreement in cooperation with the NATO Headquarters presence in accordance with the arrangements agreed between NATO and the EU as communicated to the Security Council in their letters of 19 November 2004, which recognize that EUFOR ALTHEA will have the main peace stabilization role under the military aspects of the Peace Agreement;

11. *Welcomes* the decision of NATO to continue to maintain a presence in Bosnia and Herzegovina in the form of a NATO Headquarters in order to continue to assist in implementing the Peace Agreement in conjunction with EUFOR ALTHEA and authorizes the Member States acting through or in cooperation with NATO to continue to maintain a NATO Headquarters as a legal successor to SFOR under unified command and control, which will fulfil its missions in relation to the implementation of annex 1-A and annex 2 of the Peace Agreement in cooperation

with EUFOR ALTHEA in accordance with the arrangements agreed between NATO and the EU as communicated to the Security Council in their letters of 19 November 2004, which recognize that EUFOR ALTHEA will have the main peace stabilization role under the military aspects of the Peace Agreement;

12. *Reaffirms* that the Peace Agreement and the provisions of its previous relevant resolutions shall apply to and in respect of both EUFOR ALTHEA and the NATO presence as they have applied to and in respect of SFOR and that therefore references in the Peace Agreement, in particular in annex 1-A and its appendices, and relevant resolutions to IFOR and/or SFOR, NATO and the NAC shall be read as applying, as appropriate, to the NATO presence, EUFOR ALTHEA, the European Union and the Political and Security Committee and Council of the European Union respectively;

13. *Expresses* its intention to consider the terms of further authorization as necessary in the light of developments in the implementation of the Peace Agreement and the situation in Bosnia and Herzegovina;

14. *Authorizes* the Member States acting under paragraphs 10 and 11 above to take all necessary measures to effect the implementation of and to ensure compliance with annexes 1-A and 2 of the Peace Agreement, stresses that the parties shall continue to be held equally responsible for the compliance with that annex and shall be equally subject to such enforcement action by EUFOR ALTHEA and the NATO presence as may be necessary to ensure implementation of those annexes and the protection of EUFOR ALTHEA and the NATO presence;

15. *Authorizes* Member States to take all necessary measures, at the request of either EUFOR ALTHEA or the NATO Headquarters, in defence of the EUFOR ALTHEA or NATO presence respectively, and to assist both organizations in carrying out their missions, and recognizes the right of both EUFOR ALTHEA and the NATO presence to take all necessary measures to defend themselves from attack or threat of attack;

16. *Authorizes* the Member States acting under paragraphs 10 and 11 above, in accordance with annex 1-A of the Peace Agreement, to take all necessary measures to ensure compliance with the rules and procedures governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic;

17. *Demands* that the parties respect the security and freedom of movement of EUFOR ALTHEA, the NATO presence, and other international personnel;

18. *Requests* the Member States acting through or in cooperation with the EU and the Member States acting through or in cooperation with NATO to report to the Council on the activity of EUFOR ALTHEA and NATO Headquarters presence respectively, through the appropriate channels and at least at three-monthly intervals;

19. *Invites* all States, in particular those in the region, to continue to provide appropriate support and facilities, including transit facilities, for the Member States acting under paragraphs 10 and 11 above;

20. *Reiterates* its appreciation for the deployment by the EU of its Police Mission (EUPM) to Bosnia and Herzegovina since 1 January 2003;

21. *Also requests* the Secretary-General to continue to submit to the Council reports from the High Representative, in accordance with annex 10 of the Peace Agreement and the conclusions of the Peace Implementation Conference held in London on 4 and 5 December 1996 (S/1996/1012), and later Peace Implementation Conferences, on the implementation of the Peace Agreement and in particular on compliance by the parties with their commitments under that Agreement;

22. *Decides* to remain seized of the matter.